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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1638

PATENT
0230-0148P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Kazuyuki HAMADA et al. Conf.: 8943
Appl. No.: 09/509,945 Group: 1638
Filed: April 4, 2000 Examiner: David T. Fox
For: MUTANT BARNASE GENE AND TRANSGENIC PLANT
TRANSFORMED BY SAID GENE

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 23, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 23, 2003 of the Primary Examiner finally rejecting claims 11, 13-23 and 26-29.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$930.00 is required for the full period of the above-requested extension of time.

☐ An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of

07/24/2003 KZEMDIE 00000036 09509945

01 FC:1401

320.00 DP

02 FC:1253

930.00 DP

Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$320.00

☐ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1,250.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check(s) in the amount of \$1,250.00 is/are enclosed.

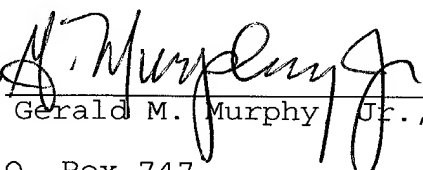
☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Gerald M. Murphy Jr., #28,977

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0230-0148P